



DIVISION OF  
ENFORCEMENT

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
100 PEARL STREET, SUITE 20-100  
NEW YORK, NY 10004-2616

January 17, 2023

*VIA ECF*

Hon. Denise L. Cote  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, NY 10007

*Re: SEC v. James David O'Brien, 21-cv-09575 (DLC) (S.D.N.Y.)*

Dear Judge Cote:

Plaintiff Securities and Exchange Commission and Defendant James D. O'Brien respectfully request that, in addition to the pretrial schedule provided in the Court's January 6, 2023 Order scheduling trial in this action (EF No. 64), the Court set a briefing schedule for motions in limine. The Parties each anticipate filing motions to disqualify experts and possibly other motions. The Parties propose the following schedule:

February 15, 2023 – motions to be filed;

February 22, 2023 – opposition papers to be filed; and

March 1, 2023 – reply papers to be filed

Permitting in limine motions to be briefed in advance of trial may help streamline the trial. Moreover, provision in the Court's pretrial order instructions for including memoranda addressing questions of law expected to arise at trial would not enable issues such as excluding a witness to be resolved prior to the trial.

Accordingly, the Parties respectfully request that the Court adopt the briefing schedule set forth in this letter.

Respectfully submitted,

*/s/ Paul G. Gizzi*

Paul G. Gizzi  
Senior Trial Counsel

*/s/ John M. Hanamirian*

Hanamirian Law Firm, P.C.  
Counsel for James D. O'Brien

(cc via ECF): All Counsel of Record